

REMARKS

Of the above-presented Claims 1 - 20, Claims 1-6, 8, 9, and 20 are indicated as allowable, Claims 17 and 19 are objected to, and Claims 7, 10-16, and 18 are rejected as anticipated under 35 U.S. C. 102 by the disclosures of the Rogers U.S. Patent No. 3,238,491 and/or the Kammerer Publication No. 2002/0077526. Claims 11, 12, and 16-20 are canceled, new Claims 21-24 are added, and certain of the remaining claims are amended without reciting new matter as the claim elements are supported in the specification. It is respectfully submitted that the amended claims are patentable over the prior art and satisfy 35 U.S.C. 112. Reconsideration and allowance of the pending claims is respectfully requested.

Claims 1-9, 13, and 20 are "kit" claims to a coupler, needle and sling, Claims 11 and 12 are method claims directed to the steps of using a coupler, needle, sling and "sling associated needle", and Claims 10 and 13-19 are directed to a coupler usable with the needle or needles and a sling. Kit Claims 7 and 13, method Claims 11 and 12, and coupler Claims 16 and 18 stand rejected as anticipated by the newly cited Kammerer et al application publication. The Kammerer et al publication is applied against Claims 7, 11, 12, 16, and 18, which are explicitly directed to the frictional connection with a "sling associated needle". Coupler Claims 10 and 14-16 stand rejected as anticipated by the previously cited Rogers patent.

The application of the Kammerer et al publication to Claim 13 is not understood, since Claim 13 is directed to features of the attachment of the elongate needle (not the sling associated needle) with the coupler. Consequently, Claim 13 is only amended to correct informalities noted in the review.

The three independent Claims 1, 10 and 15 all recite "sling association means" or "sling association structure". As stated in the response to the First Office Action, the disclosed sling association means or structure comprises either a fixed attachment with a sling end per most of the disclosed embodiments, e.g.,

at paragraphs 0080, 0087 and 0090, or the frictional connection with a sling having a sling associated needle per the embodiment depicted in FIG. 38 as described in paragraph 0025. Examiner Gilbert apparently applied the Kammerer et al publication against all claims that explicitly recite features of the latter embodiment of the sling association means or structure enabling coupling of the coupler with a "sling associated needle". In light of this rejection, method Claims 11 and 12 and dependent kit and coupler Claims 7, 16, and 18 reciting the "sling associated needle" are canceled above.

Examiner Gilbert characterizes the coupler Claims 10 and 14-16 as "sub-combination" claims properly rejected as anticipated by Rogers, despite the complete absence of any teaching of using the Rogers structure with a needle and sling. Examiner Gilbert also indicated that the fixed attachment of the coupler with a sling end, as recited in dependent Claims 17 and 19 (which were not rejected over either reference), is not shown in Kammerer et al or Rogers, and that the limitation of sling association means or structure to such fixed attachment would render independent Claims 10 and 15 allowable.

The basis of the allowance of Claim 1 and the rejection of Claim 7 dependent on Claim 1 was not understood by the undersigned and clarification was sought. A draft response to the Office Action was faxed to Examiner Gilbert on March 6, 2006, for his review, and the bases of the rejections and the proposed amendments were discussed in a telephone interview on March 7, 2006. Examiner Gilbert explained the bases for his rejections of the above listed rejected claims and his allowance of the remaining claims, particularly Claim 1. The amendments to Claims 10 and 15 presented above are based on that discussion.

It is respectfully submitted that the remaining amended and new claims presented above are allowable in view of the Examiner's indication of allowable subject matter, and such action is requested.

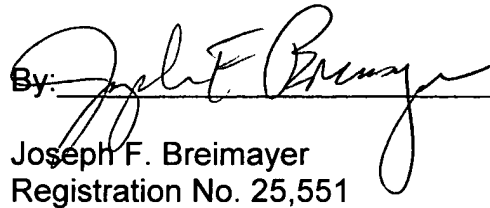
Application No. 10/616,938

Reply to the Office Action dated December 9, 2005

If these amendments reflect a misunderstanding of the Examiner's position, he is respectfully requested to telephone the undersigned to discuss the issues so that prosecution may be expeditiously advanced.

Dated: March 8, 2006

Respectfully Submitted,

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